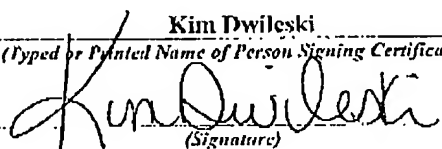


CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)			Docket No.
Applicant(s): Chapple-Sokol et al.			BUR920040018US1
Application No. 10/708,486	Filing Date 3/6/2004	Examiner Kebede, Brook	Group Art Unit 2823
Invention: SUPPRESSION OF LOCALIZED METAL PRECIPITATE FORMATION AND CORRESPONDING METALLIZATION DEPLETION IN SEMICONDUCTOR PROCESSING			
RECEIVED CENTRAL FAX CENTER FEB 24 2006			
I hereby certify that this <u>RESTRICTION ELECTION WITH SPECIES RESTRICTION ELECTION</u> ⁴ <u>(4 pages)</u> ... (Identify type of correspondence)			
is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. 571-273-8300)			
on <u>2/24/2006</u> (Date)			
 <u>Kim Dwileski</u> (Typed or Printed Name of Person Signing Certificate)  (Signature)			
Note: Each paper must have its own certificate of mailing.			

RECEIVED
CENTRAL FAX CENTER

FEB 24 2006

DOCKET NO.: BUR920040018US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Chapple-Sokol *et al.*

Examiner: Kebede, Brook

Serial No.: 10/708,486

Art Unit: 2823

Filed: 3/6/2004

For: **SUPPRESSION OF LOCALIZED METAL PRECIPITATE FORMATION AND
CORRESPONDING METALLIZATION DEPLETION IN SEMICONDUCTOR
PROCESSING**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESTRICTION ELECTION WITH SPECIES RESTRICTION ELECTION

In response to the Restriction Requirement dated January 24, 2006, Applicants hereby provisionally elect Group I, claims 1-10 and 21-25, drawn to a semiconductor device, classified in Class 257, subclass 758. This election is made with traverse, and Applicants hereby reserve the right to file a divisional application in connection with unelected claims 11-20 and 26-35, drawn to a method for fabricating semiconductor device.

With regard to the Restriction Requirement, Applicants respectfully submit that the subject matter of all claims 1-35 is sufficiently related that a thorough search for the subject matter of any one group of claims would encompass a search for the subject matter of the remaining claims. Thus, Applicants respectfully submit that the search and the examination of the entire application could be made without serious burden. See MPEP § 803, in which it is stated that "if the search and examination of the entire application can be made without serious burden, the Examiner must

10/708,486

1

examine it on the merits." Applicants respectfully submit that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

In response to the species restriction requirement dated January 24, 2006, Applicants hereby provisionally elect, with traverse, species 1: embodiment of Figs. 1A, 1B, and 2. Claims 1-6, 8, and 10 of elected claim group read on the elected species. Claims 1 and 8 are generic.

Applicants respectfully contend that the species restriction is improper and should be withdrawn, because a search and the examination of the entire application could be made without serious burden. See MPEP § 803, in which it is stated that "if the search and examination of the entire application can be made without serious burden, the Examiner must examine it on the merits" (emphasis added). Applicants respectfully submit that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Moreover, Applicants respectfully contend that the species restriction is improper and should be withdrawn, because Species I and Species II are not mutually exclusive. See MPEP §806.04(f) which asserts: "Claims to be restricted to different species must be mutually exclusive". More specifically, claim 9 (that reads on Fig. 1C of Species II) claims the feature: the second semiconductor region 124c is in physical contact with the third semiconductor region 126. This claimed feature of claim 9 is **not inconsistent** with any feature of the claims of Species I (i.e., claims 1-6, 8, and 10). It should be noted that Figs. 1A and 1B and the associated texts of the specification do not exclude the embodiment in which the second semiconductor region 124a is in physical contact with the third semiconductor region 126. Similarly, Fig. 2 and the

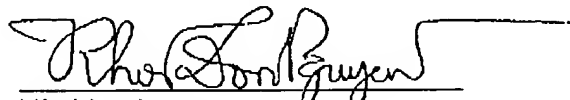
associated texts of the specification do not exclude the embodiment in which the second semiconductor region 224a is in physical contact with the third semiconductor region 226. As a result, Species I and Species II are not mutually exclusive; therefore, the species restriction is improper and should be withdrawn.

CONCLUSION

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invites the Examiner to contact Applicants' representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account No. 09-0456.

Date: February 24, 2006

Schmeiser, Olsen & Watts
3 Lear Jet Lane, Suite 201
Latham, New York 12110
(518) 220-1850


Khoi D. Nguyen
Registration No. 47,820